

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:07-CV-00739

DAVID F. EVANS, et al.,)
v.)
Plaintiffs,)
THE CITY OF DURHAM,)
NORTH CAROLINA, et al.,)
Defendants.)

MOTION FOR ENLARGEMENT
OF TIME TO FILE REPLY
BRIEF IN SUPPORT OF
MOTION TO DISMISS
FIRST AMENDED COMPLAINT

NOW COME Defendants DNA Security, Inc. and Richard Clark (the "DSI Defendants"), herein by and through their attorneys, and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and LR6.1(a) and LR7.3(h), MDNC, move the Court to enlarge by seven days, through and including May 9, 2008, the time within which the DSI Defendants may file and serve a reply brief in support of their motion to dismiss.

IN SUPPORT HEREOF, the DSI Defendants respectfully show the Court the following:

1. Pursuant to the Court's briefing/scheduling order, the DSI Defendants must file and serve a reply brief on or before May 2, 2008. Thus, this Motion is made before the expiration of the time allowed.

2. Because of the number and complexity of the questions presented, additional time is needed by counsel to prepare, file, and serve a reply brief.

3. The City of Durham and the defendants related thereto have filed a similar Motion for Enlargement of Time. Granting the present Motion would allow the parties to remain on the same briefing schedule.

4. The undersigned states that he has consulted with counsel for Plaintiffs concerning this Motion and that counsel for Plaintiffs consent to the enlargement of time herein requested.

4. The foregoing request for a brief enlargement of time is reasonable, justified, and will not unduly, if at all, delay the ultimate disposition of this action.

5. The undersigned further respectfully submits that fairness and the interests of justice fully warrant allowing this motion and granting the enlargement of time herein requested.

WHEREFORE, Defendants DNA Security, Inc. and Richard Clark respectfully pray that this motion be granted, and that they be allowed the enlargement of time herein requested.

This the 30th day of April, 2008.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2008, I electronically filed the foregoing **MOTION FOR ENLARGEMENT OF TIME TO FILE REPLY BRIEF IN SUPPORT OF MOTION TO DISMISS FIRST AMENDED COMPLAINT** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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I further certify that I caused the foregoing document to be served by first-class mail, postage-prepaid, to the following non CM/ECF participants:

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Respectfully Submitted,

/s/ Robert J. King III

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:07-CV-00739

DAVID F. EVANS, et al.,)	
)	
Plaintiffs,)	
)	ORDER ENLARGING TIME
THE CITY OF DURHAM,)	FOR REPLY BRIEF
NORTH CAROLINA, et al.,)	
)	
Defendants.)	
)	

FOR CAUSE SHOWN, on motion of Defendants DNA Security, Inc. and Richard Clark, and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and LR6.2(a), MDNC, it is hereby ordered that the time within which the moving Defendants may file and serve their reply brief in support of their motion to dismiss be, and such time hereby is, enlarged, through and including May 9, 2008.

This the _____ day of _____, 2008.

Magistrate Judge/Judge
United States District Court
Middle District of North Carolina